

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DIVERSITEX INC.,

Plaintiff,

v.

Civil Action No. 3:12CV00889-HEH

STEPS, INC.,

Defendant.

INITIAL PRETRIAL ORDER

At a pretrial conference held on February 7, 2013, this action was set for **trial by the Court** on JUNE 12, 2013, at nine o'clock (9:00), a.m.

1. The Scheduling Order and Pretrial Schedule A previously issued in this action shall remain in effect.

2. A **Final Pretrial Conference** will be conducted at _____ p.m. on N/A, 2013 at which time trial counsel shall appear and present for entry a **Final Pretrial Order** setting forth: (A) a stipulation of undisputed facts; (B) a list and description of all exhibits, marked and consecutively numbered or lettered, intended to be offered by each party and whether or not there are objections to its admissibility; (C) the names and addresses of all witnesses who will testify on behalf of each party and whether the witness will testify as a fact witness or as an expert witness. All exhibits to which no objection is made shall be admitted without further order. Objections to exhibits and


designated discovery will ordinarily be decided at trial unless counsel requests that a specific objection be resolved at the Final Pretrial Conference.

No witness, exhibit or discovery material not included in the Final Pretrial Order will be permitted to testify or be admitted at trial, except as to non-expert witnesses, exhibits or discovery material offered solely as rebuttal evidence or for impeachment.

It shall be the responsibility of counsel for plaintiff(s) to assemble and distribute to all other counsel a draft of the Final Pretrial Order in sufficient time to allow completion before the Final Pretrial Conference. Counsel shall resolve disagreements on the content of the Final Pretrial Order and shall present a clean final version thereof at the Final Pretrial Conference. Failure to comply with the requirements of this paragraph may result on the imposition of sanctions pursuant to Fed. R. Civ. P. 16(f).

If no Final Pretrial Conference is to be held, the Final Pretrial Order shall be presented for entry by 5:00 p.m. two (2) business days before the commencement of trial.

It is so ORDERED.

 _____ /s/
Henry E. Hudson
United States District Judge

Richmond, Virginia

Date: Feb 6, 2013